

REMARKS

Applicant thanks the Examiner for acknowledging receipt of the certified copies of the priority documents pursuant to 35 U.S.C. § 119. Further, Applicant thanks the Examiner for indicating that the references listed in the Information Disclosure Statement submitted to the PTO on March 19, 2001 have been considered. Applicant notes that the Examiner has not indicated consideration of the eight (8) sheets of formal drawings filed on March 19, 2001. Accordingly, Applicant respectfully requests that the Examiner acknowledge receipt and consideration of these drawings in the next Office Action.

Claims 1-11 are all the claims pending in this application. Claims 1, 5, 8 and 11 are independent claims.

Claims 1-3, 5, 6, 8, 9 and 11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by McAllister et al. (U.S. Patent No. 6,697,329). Additionally, claims 4, 7 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McAllister, in view of Dantu et al. (U.S. Patent No. 6,532,088).

Claim 3 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. To address this rejection, Applicant has amended claim 3 to recite "routes" in place of "routers" in line 2. .

The Examiner has also objected to the disclosure for certain informalities at pages 1, 8 and 14 as set out in paragraph 2 of the Office Action. Applicant agrees with the Examiner's suggested corrections and have included the same in this Amendment for consideration.

A. Claims 1-3, 5, 6, 8, 9 and 11 (§ 102(e), McAllister et al.)

The Examiner asserts that McAllister teaches all of the limitations of claims 1-3, 5, 6, 8, 9 and 11. Applicant respectfully disagrees and traverses this rejection.

McAllister's routing system only addresses rerouting connections (not "packets" or "information") traveling over a connection. In particular, McAllister merely reroutes links when there is a failure. It does not discuss, let alone guarantee that a protected packet will be received at its final destination. Moreover, a discussion of "forwarding" or retransmission of protected packets is completely absent. In fact, "packets", whether protected or otherwise, are not addressed at all by McAllister.

Accordingly, McAllister fails to address determining whether an incoming packet is to be protected, sending a protected packet back to a start point router and/or forwarding from the start point router the protected packet through a reserved route, as recited in independent claims 1, 5, 8 and 11. As such, Applicant respectfully submits that this reference cannot anticipate these independent claims. Further, since claims 2, 3, 6 and 9 depend from independent claims 1, 5 and 8, these claims are also patentable for the same reasons as set out above with respect to independent claims 1, 5 and 8.

B. Claims 4, 7 and 10 (§ 103(a), McAllister et al. in view of Dantu et al.)

Turning to the § 103(a) rejection of claims 4, 7 and 10, the Examiner admits that McAllister does not teach transfer and reception of table information between a network management server and other routers. However, as set out above, McAllister also fails to teach, disclose or suggest several of the elements recited in independent claims 1, 5 and 8. Dantu does not supply the missing elements.

The Examiner asserts that Dantu teaches a network management server transmitting table information and table updates to several nodes. Even if this is correct, Dantu's packet level distributed routing system still fails to disclose determining when an incoming packet is to be protected, sending a protected packet back to a start point router where there is a failure, and/or forwarding from the start point router the protected packet along a reserved route, and the Examiner has not asserted otherwise.

Since Dantu does not supply the elements missing from McAllister, with respect to independent claims 1, 5 and 8, it is Applicant's position that the Examiner's asserted combination, which includes Dantu, is improper. Therefore, dependent claims 4, 7 and 10 remain patentable.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/740,993

Q62362

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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